

1775 Wehrle Drive, Suite 100  
Williamsville, New York 14221  
Phone (716)204-1700  
Fax (716)204-1702  
<http://www.GrossPolowy.com/>

February 19, 2016

To:

The Honorable Denny Chin or Subsequently assigned Justice,  
United States District Judge,  
United States District Court, SDNY,  
500 Pearl Street,  
New York, NY 10007-1312

**Re: Request for a Pre-Motion Conference prior to motions seeking to substitute party in interest and to enforce a Final Order of Forfeiture and Stipulation of Settlement.**

**Case: USA v. Peterson (Closed Case), Case No. 04-cr-00752**

Dear Judge Chin or Honorable Judge subsequently assigned:

This firm represents Caliber Home Loans, Inc., as servicer and attorney in fact for US Bank Trust, NA, as Trustee for LSF9 Master Participation Trust (collectively the "Secured Creditor"). The Secured Creditor is successor in interest to Bank of America in relation to real property commonly known as 763 Clayton Street, San Francisco, CA 34771 (the "Real Property").

#### **Background**

The Real Property is the subject of a stipulation entered into between USA and Bank of America, and said stipulation is attached hereto as Exhibit A (the "Stipulation"). The Real Property is also a subject within the final order of forfeiture entered in the instant case and is attached hereto as Exhibit B (the "Forfeiture Order"). The Secured Creditor is the successor in interest to Bank of America.

The Stipulation and Forfeiture order calls for an interlocutory sale of the Real Property with proceeds to be administered as per the terms of said Forfeiture Order and Stipulation. The Forfeiture Order was entered in January 2012. The stay for an interested party's appeal as expressed in said Forfeiture Order ended in November of 2013. The Forfeiture Order, and by relation, the Stipulation, has been legally enforceable at least since November of 2013.

#### **Current Status of the sale of the Real Property**

Currently, we are in February of 2016. For the intervening time period since November 2013, which is now in excess of 2 years, the Real Property has not been sold as provided for by the Stipulation and the Forfeiture Order.

This firm on behalf of the Secured Creditor has been in touch with the US attorney's office and the office of the US Marshall Service commencing in November of 2015. Based on the most recent information garnered as of February 2016, the process of sale of the Real Property has to be restarted. Based on interactions with the US Marshall Service, the process of sale may take a substantial time including gathering of necessary information which itself may take 30-120 days. It is unclear from the interactions that this firm has had with the Marshall's service as to a firm time frame for any sale of the Real Property.

**Prospective Motion Practice**

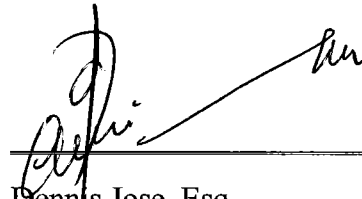
Given that in excess of 2 years has passed since an interlocutory sale of the Real Property has been legally feasible, the Secured Creditor seeks to make a motion seeking the following reliefs:

- a) Substitute the Secured Creditor as the party in interest entitled to enforce the Stipulation and the Forfeiture Order as per Rule 25(c) of the Federal Rules of Civil Procedure;
- b) Approve a sale of the Real Property by the Secured Creditor itself under the non-judicial foreclosure process of California State and under the provisions of the Stipulation that call for a court approved interlocutory sale.

The Secured Creditor hereby seeks a pre-motion conference such that the above proposed course of action can be prosecuted.

Sincerely

Gross Polowy, LLC counsel to the Secured Creditor

  
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Dennis Jose, Esq.

Cc:

Office of the United States Attorney, Southern District of New York

Office of United States Attorney, Southern District of New York, Attn: Jason Cowley, Esq.